WPSB No. 712 of 01: (Old no. 20900/86)

Hon'ble M.M. Ghildiyal, J.

Case called out.

None is present on behalf of the petitioner. List is revise, but none has responded either on behalf of the petitioner or for respondent no.2. Sri Paresh Tripathi, learned Standing Counsel for State of Uttarakhand is present before the Court.

By means of this writ petition, the petitioner has prayed to quash the order dated 13.10.1986 passed by the District Inspector of Schools, Nainital by which services of the petitioner were terminated.

From perusal of the record it reveals that the petitioner was appointed vide order dated 3.11.1981 by the Manager, Mahatma Gandhi Inter College, Haldwani, Nainital on the post of Assistant Teacher (Biology). Approval to the said appointment was granted by the District Inspector of Schools, Nainial on 03.09.1982. A bare perusal of the approval granted by the D.I.O.S. Nainital it appears that the petitioner was appointed on the post, which fell vacant because of termination of Sri R.D. Joshi, an Assistant Teacher. The impugned order, by which services of the petitioner were terminated specifically states that in pursuance of the order passed by the Allahabad High Court it writ petition no. 8718/1985, the Deputy Director of Education, Bareilly Division, Bareilly has directed for reinstatement of Sri R.D. Joshi, after allowing the appeal preferred by Sri R.D. Joshi.

Since Sri R.D. Joshi was reinstated on his post from where he was terminated, the services of the present petitioner automatically came to an end because he was appointed on the post held by Sri Joshi.

I do not find any illegality or infirmity in the order impugned. Consequently, the writ petition is dismissed. No order as to costs.

(M.M.G., J.)

24.04.2007:

NCM: